

### **REMARKS**

The following remarks are prepared in response to the Office Action of February 24, 2005. Claims 1-17 remain pending in this application, after entry of this amendment. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### **Rejection of Claims 1-6 Under 35 U.S.C. § 102(b)**

Claims 1-6 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Kojima et al.* (Japanese, hereinafter *Kojima*). Applicant respectfully traverses.

#### **Independent Claim 1**

Applicant has amended independent claim 1 to recite a phosphor layer having an edge and a portion adjacent to the edge wherein a thickness of the portion adjacent to the edge gradually and smoothly decreases towards the edge and a thickness of the phosphor layer, except for the portion adjacent to the edge, is substantially uniform. As shown in FIG. 3, the phosphor layer 14 has a substantially uniform thickness except for the portion adjacent to the edge 40 (see also page 9, lines 14-17).

*Kojima* discloses a film thickness of the phosphor film 14 formed so as to become thick gradually as a position becomes more distant from the external electrode 13 (abstract). The thickness of the phosphor film 14 gradually decreases as you move away from the external electrode 13 and toward the edge (see figure 1). However, *Kojima* does not disclose a phosphor layer having a substantially uniform thickness. Therefore, *Kojima* does not disclose a phosphor layer having an edge and a portion adjacent to the edge wherein a thickness of the portion adjacent to the edge gradually and smoothly decreases towards the edge and a thickness of the phosphor layer, except for the portion adjacent to the edge, is substantially uniform. For at least

the reasons discussed above, Applicant submits that amended claim 1 is patentably distinct over *Kojima* and the rejection under 35 U.S.C. § 102(b) should be withdrawn.

**New Claims 7-10**

Applicant appreciates the Examiner's indication that claims 3-6 are allowable if rewritten in independent form. Applicant has rewritten claim 3 in independent form as claim 7 and has rewritten claims 4-6, to depend from claim 7, as claims 8-10.

**New Claim 11**

New independent claim 11 recites a thickness of the phosphor layer on the spherical part being substantially uniform. As discussed above for independent claim 1, *Kojima* does not disclose a thickness of the phosphor layer on the spherical part being substantially uniform. For at least this reason and the reasons discussed above for independent claim 1, Applicant submits that new claim 11 is patentably distinct over *Kojima* and the rejection under 35 U.S.C. § 102(b) should be withdrawn.

**Dependent Claims 2-6 and 12-17**

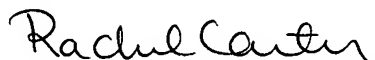
Claims 2-6 and 12-17 depend from independent claims 1 and 11, respectively, adding structural features that more particularly define the invention and further distinguish over the cited references and the prior art of record. For these reasons, and for the reasons set forth above for claims 1 and 11, the rejection of these dependent claims under 35 U.S.C. § 102(b) are improper and should be withdrawn.

**Conclusion**

If the Examiner believes that a telephone interview will help further the prosecution of this case, he is respectfully requested to contact the undersigned attorney at the listed telephone number.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 21, 2005.

By: Rachel Carter



Signature

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Very truly yours,

**SNELL & WILMER L.L.P.**



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